

1 THE HONORABLE ROBERT J. BRYAN
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8 **UNITED STATES DISTRICT COURT**
9 **WESTERN DISTRICT OF WASHINGTON**
10 **AT TACOMA**

11 TIMOTHY DIETZ,
12 Plaintiff,
13 vs.
14 QUALITY LOAN SERVICE CORP. OF
15 WASHINGTON;
16 WELLS FARGO HOME MORTGAGE;
17 WELLS FARGO BANK, N.A.,
18 MORTGAGE ELECTRONIC
19 REGISTRATION SYSTEMS, INC.,
20 MERSCORP, INC.,
21 MCCARTHY & HOLTHUS, LLP,
22 DOE DEFENDANTS 1 - 20
23 Defendants.

10 Civil Case No.: 3:13-cv-05948-RJB

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12 JOINT CONFERENCE AND
13 SCHEDULING REPORT

24 Pursuant to the Federal Rules of Civil Procedure 26(f) and Local Rule 26(f) of the
25 Western District of Washington at Tacoma, the parties hereby jointly submit this Combined
Joint Scheduling Report and Joint Proposed Scheduling Order:

JOINT CONFERENCE AND SCHEDULING REPORT
Civil Case No.: 3:13-cv-05948-RJB

Timothy Dietz
2503 34th Ave
Longview Washington 98632
360-442-9832

1 **1. Discovery Report; Detailed Schedule of Discovery:**

2 On May 2, 2014, the parties did meet by telephone and conferred in good faith to develop
3 a proposed discovery plan considering those matters set forth in Federal Rule of Civil
4 Procedure 26(f). The parties agree that this case be placed on the STANDARD TRACK
5 and request a discovery deadline of February 2, 2015.

6 **2. Likelihood of Settlement:**

7 At this point, the parties have not reached a settlement in this case; however, the parties
8 will discuss settlement throughout this case in good faith and will inform the Court if any
9 settlement is reached as required by the Court's rules.

10 **3. Likelihood of Appearance in this action of Additional Parties:**

11 The Plaintiff anticipates identifying and joining additional parties. The parties propose
12 that if either party wishes to join additional parties, then they be required to bring a motion
13 to amend their pleadings as required by Federal Rule of Civil Procedure 15.

14 **4. Proposed Limit on Time:**

15 (a) Joinder of Parties and Amendment of Pleadings: The parties request that the deadline
16 to bring any motions to amend the pleadings, to file motion for class certification, or
17 join any parties to this case be December 8, 2014.

18 (b) File and Hear Motions: The parties request that the deadline for filing dispositive
19 motions be March 9, 2014; that the deadline for responses to dispositive motions be
20 March 23, 2015; and that replies be due by March 30, 2015. The parties request that
21 the deadline for filing pretrial motions be March 30, 2015. The parties request that the
22 deadline for motions in limine be April 20, 2015.

1 (c) Complete Discovery: The parties request that the Court allow the parties until
2 February 5, 2015.

3 (d) Expert Disclosures: By November 24, 2014, parties shall exchange expert witnesses
4 summaries and reports as required by Local Rules.

5 **5. Proposals for Formulation and Simplification of Issues:**

6 The parties have no proposals for the formulation or simplification of issues at this time.

7 The parties will continue to assess the viability of its defenses as discovery progresses and
8 will provide notice to the Court of any proposals that arise.

9 **6. Amendments to the Pleadings:**

10 The parties are unaware as to whether any amendments will be necessary, but the parties
11 reserve the right to amend its pleadings as appropriate.

12 **7. Admissions of Facts and Documents:**

13 The parties have not agreed at this time to any admissions of facts or documents.

14 However, the parties will continue to attempt to discuss these issues as discovery
15 progresses and will provide notice to the Court of any proposals that arise out of these
16 discussions.

17 **8. Avoidance of Unnecessary Proof and of Cumulative Evidence:**

18 The parties have no proposals at this time for the avoidance of unnecessary proof or of
19 cumulative evidence. However, the parties will confer after discovery has been conducted
20 regarding the possibility of obtaining admissions of fact and of documents, electronically
21 stored information or things which will avoid unnecessary proof, stipulations regarding
22 authenticity of documents, and the need for advance rulings from the Court on
23 admissibility of evidence.

1 **9. Advisability of Referring Matters to a Magistrate Judge:**

2 The parties agree to the referral of discovery matters to the Magistrate Judge if ordered by
3 the Court and reserve the right to appeal any rulings by the Magistrate Judge pursuant to
4 the Federal Rules of Civil Procedure and the Local Rules.

5 **10. Preliminary Estimate on the Time Required for Trial:**

6 The parties estimate that this case will take approximately four (4) days.

7 **11. Requested Dates for Conferences Before Trial, Final Pretrial conference and Trial:**

8 The parties request that the pretrial conference be held on or after March 27, 2015 and that
9 the trial be set for a date after April 27, 2015.

10 **12. Other Matters:**

11 (a) Jury or Non-Jury: Plaintiff's complaint contained a jury demand.
12 (b) Electronically Stored Information: The parties have discussed and agreed upon the
13 preservation and the production of relevant discoverable information, which consists
14 of: (1) internal account notes, logs and bates records relating to the Plaintiff; (2) all
15 correspondence with Plaintiff relating to the Plaintiff; (3) all correspondents with
16 Defendant(s) and third parties relating to the Plaintiff; (4) any media relating to the
17 Plaintiff; (5) any call logs and visitor logs relating to the Plaintiff; and (6) any
18 recordings, audio or video or still photographs relating to the Plaintiff. The parties do
19 not anticipate any other discovery of electronically stored information, but reserve the
20 right to revisit this issue as discovery progresses. Electronic documents shall be
21 produced in .pdf format where available and recordings shall be produced in native
22 formats on CD or DVD.

1 (c) Privilege: The parties have not reached any agreements regarding the assertion of
2 claims of privilege or protection of trial preparation material after production. The
3 parties will inform the Court if any such agreement is made. However, the parties
4 believe that production of confidential and proprietary business information may be
5 required. The parties agree to enter into a confidentiality agreement or in the
6 alternative to an in camera review in the event such production is required.
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8 Timothy Dietz
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10 By: /s/ Timothy Dietz
11 Timothy Dietz

12 Plaintiff pro se

13 McCarthy & Holthus
14

15 By: /s/ Robert W. McDonald
16 Robert W. McDonald, WSBA # 43842
17 rmcdonald@mccarthyholthus.com

18 Attorney for Defendants
19 Quality Loan Service Corp. of Washington
20 McCarthy & Holthus

Attachment A
(email communication)

Robert McDonald
To Me, John Petri, Joel Springer
Today (June 19, 2014) at 4:09 PM

Mr. Dietz,

You have my consent to file the attached scheduling report. Thank you.

Robert William McDonald | Associate Attorney |Member State Bars of CA, WA

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Should escalation be required, please contact the following individuals

Please contact Melissa Coutts at (619) 955-1604 or mcoutts@mccarthyholthus.com.